

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 110 be amended to read as follows:

- 1 Page 3, after line 31 , begin a new paragraph and insert:
- 2 SECTION 3. IC 12-7-2-28.4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.4. ~~(a)~~ "Child
- 4 care center", for purposes of IC 12-17.2, means a **nonresidential**
- 5 building where at least ~~seventeen (17) children receive one (1) child~~
- 6 **receives** child care from a provider:
- 7 (1) while unattended by a parent, legal guardian, or custodian;
- 8 (2) for regular compensation; and
- 9 (3) for more than four (4) hours but less than twenty-four (24)
- 10 hours in each of ten (10) consecutive days per year, excluding
- 11 intervening Saturdays, Sundays, and holidays.
- 12 ~~(b) The term includes a building where child care is provided to~~
- 13 ~~less than seventeen (17) children if the provider has applied for a~~
- 14 ~~license under IC 12-17.2-4 and meets the requirements under~~
- 15 ~~IC 12-17.2-4.~~
- 16 SECTION 4. IC 12-7-2-33.7 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33.7. (a) As used
- 18 in this chapter, "class I child care home" means a child care home that
- 19 serves any combination of full-time and part-time children, not to
- 20 exceed at any one (1) time twelve (12) children plus three (3) children
- 21 during the school year only who are enrolled in at least grade 1. **Except**
- 22 **as provided in subsection (c)**, the addition of three (3) school age
- 23 children may not occur during a break in the school year that exceeds
- 24 four (4) weeks.
- 25 (b) A child:
- 26 (1) for whom a provider of care in the child care home is a
- 27 parent, stepparent, guardian, custodian, or other relative; and

(2) who is at least seven (7) years of age;  
shall not be counted in determining whether the child care home is  
within the limit set forth in subsection (a).

**(c) A child care home may serve a school age child during a  
break in the school year that exceeds four (4) weeks if the following  
conditions are met:**

**(1) The school age child:**

**(A) was in the home part-time during the four (4)  
months preceding the break; or**

**(B) has a sibling attending the child care home.**

**(2) The child care home meets the following requirements:**

**(A) Provides at least thirty-five (35) square feet for each  
child.**

**(B) Maintains the child to staff ratio required under  
rules adopted by the division for each age group of  
children in attendance.**

**(C) Provides age appropriate toys, games, equipment,  
and activities for each age group of children enrolled.**

**(D) If the licensee does not reside in the child care home,  
the child care home has:**

**(i) at least two (2) exits that comply with the exit  
requirements for an E-3 building occupancy  
classification under the Indiana building code adopted  
by the fire prevention and building safety commission;**

**(ii) an illuminated exit sign over each required exit;  
and**

**(iii) emergency lighting for each required exit.**

**(3) The licensee for the child care home has maintained a  
class I child care home license for at least twelve (12)  
children:**

**(A) for at least one (1) year; and**

**(B) without any citations for noncompliance.**

**(4) If the licensee does not reside in the child care home, the  
licensee must, upon application for a license, meet the  
following requirements:**

**(A) Provide documentation to the division that the  
licensee has received a high school diploma or a high  
school equivalency certificate as described in  
IC 12-14-5-2.**

**(B) Provide documentation to the division that the  
licensee:**

**(i) has completed;**

**(ii) is enrolled in; or**

**(iii) agrees to complete within the next three (3)  
years;**

**a child development associate credential program or a  
similar program approved by the division.**

**The division may grant a waiver or variance of the  
requirement under clause (B).**

SECTION 5. IC 12-17.2-5-6.5 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) To qualify  
for a license to operate a class II child care home under this chapter, a

1 person must do the following:

- 2 (1) Provide all child care services on the first story of the child
- 3 care home unless the class II child care home meets the
- 4 exceptions to the first story requirements contained in the
- 5 Indiana building code adopted by the fire prevention and
- 6 building safety commission in effect at the time the class II child
- 7 care home provider applies for licensure.
- 8 (2) Provide a smoke detection system that is:
- 9 (A) hard wired to the building's electrical system; and
- 10 (B) wired in a manner that activates all of the detector
- 11 devices in the building when one (1) detector device is
- 12 activated.
- 13 (3) Provide a fire extinguisher in each room that is used to
- 14 provide child care services.
- 15 (4) Meet the exit requirements for an E-3 building occupancy
- 16 classification under the Indiana building code adopted by the fire
- 17 prevention and building safety commission in effect at the time
- 18 the class II child care home provider applies for licensure.
- 19 (5) Provide a minimum of thirty-five (35) square feet for each
- 20 child.
- 21 (6) Conduct fire drills required under article 37 of the Indiana
- 22 fire prevention code adopted by the fire prevention and building
- 23 safety commission in effect at the time the class II child care
- 24 home provider applies for licensure.
- 25 ~~(7) Reside in the child care home.~~
- 26 ~~(8)~~ (7) Apply for a license before July 1, 1996, **or after June 30,**
- 27 **2001.**
- 28 ~~(9)~~ (8) Comply with rules adopted by the division of family and
- 29 children for class II child care homes.
- 30 (b) To qualify for a license to operate a class II child care home
- 31 under this chapter, a person, before applying for the license, must have:
- 32 (1) a class I child care home license; or
- 33 (2) at least one (1) year of experience as a caregiver in a child
- 34 care home or child care center.

35 **SECTION 6. [EFFECTIVE UPON PASSAGE] The amendments**  
 36 **made by this act to IC 12-7-2-33.7 do not apply to a person who**  
 37 **was issued a license for a class I child care home before July 1,**  
 38 **2001.**

39 **SECTION 7. An emergency is declared for this act.**  
 40 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 110 as printed April 3, 2001.)

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Representative TINCHER